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Meeting of States Parties

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Note verbale dated 13 May 2013 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea, to be held from 10 to 14 June 2013.

The Mission of the United Kingdom kindly requests that the present note and its annex be circulated under agenda item 11, entitled "Consideration of budgetary matters of the International Tribunal for the Law of the Sea", as a document of the Meeting of States Parties.

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Please recycle

Annex to the note verbale dated 13 May 2013 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Proposal for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea

1. *The United Kingdom wants to see a more effective mechanism for the detailed and objective examination of budget proposals for the Tribunal.*

2. The United Kingdom believes it is important that the international organizations to which we belong are able to demonstrate transparency and accountability in the efficient and effective use of resources. Part of this is through the close and objective examination of budgets, and our financial authorities require us to ensure that the appropriate level of scrutiny is applied to this task.

3. The International Court of Justice, the International Criminal Tribunals for the Former Yugoslavia and Rwanda and other international criminal tribunals all have small bodies of experts to scrutinize budget proposals. The establishment of a mechanism for a more focused examination of the budget of the International Tribunal for the Law of the Sea is needed to bring the Tribunal up to the same standard. It would also put the Tribunal on a par with the International Seabed Authority, another organization established under the United Nations Convention on the Law of the Sea, which had its own dedicated Finance Committee.

4. The United Kingdom believes that the Tribunal, under the management of Mr. Gautier, has done well in ensuring disciplined and appropriate budget requests are made to Meetings of States Parties. But the United Kingdom believes that the current practice, by which an open-ended working group reviews the budget, is proving neither the most appropriate for proper scrutiny of the budget, nor the most effective. Over time, with an expected increase in the workload and associated budgets of the Tribunal, our concerns will be exacerbated.

Current position

5. Rule 54 of the Rules of Procedure for Meetings of States Parties states:

> Meetings of States Parties at which financial and budgetary matters will be discussed shall establish, as a matter of priority, an open-ended working group which shall review the proposed budget of the International Tribunal and make recommendations to the Meeting. The working group shall be chaired by the President of the Meeting. Decisions on budgetary and financial matters shall be based upon the recommendations of the working group.

6. The United Kingdom believes that the current open-ended working group has become so large that it acts more like the plenary than a dedicated working group. Its size and, to some extent, the expertise of its membership do not make for an effective and close scrutiny of the budget. In addition, its size restricts its ability to act decisively in a timely manner.

7. Moreover, rule 54 does not provide a vehicle for an examination of budget issues during odd-numbered years (e.g. 2011) when a draft biennium budget is not under consideration at a Meeting of States Parties. But at the twenty-first Meeting of

States Parties, held in June 2011, under agenda item "Consideration of budgetary matters", the report on budgetary matters for the financial periods 2009-2010 and 2011-2012 (SPLOS/224) was scheduled for discussion and adoption. By adopting this report, which contained proposals to cover additional expenditures in some areas by using savings in others (para. 18) and proposals for the surrender of unused funds to States parties (para. 21), the Meeting was effecting budgetary decisions. The sums involved may have been small on that occasion, and the issues relatively uncontroversial, but they should still be subject to scrutiny. Leaving this to the plenary is not the most efficient use of its time.

8. A mechanism that is flexible enough to respond appropriately to the volume and level of detail under consideration, given the differences between discussions in alternate years when the Tribunal operates a biennium budget and the possibility of a significant increase in the Tribunal budget with an increasing workload, would be useful.

9. The character of a solution:

- An informa. forum away from the plenary and of a smaller size than the plenary
- A two-step process where:
  - Detailed questions can be asked of the Registrar, who is able to provide quick answers, followed by
  - Discussions where recommendations can be formulated
- Sufficient flexibility to enable it to "gear down" to deal with the low level of budget decisions in alternate years, when the proposals are for adjustments to an already agreed budget

10. The group should have enough weight to be listened to by the Registrar. The group would not negate the need for an open-ended working group but it could make recommendations in the discussions of the open-ended working group, even if it were outvoted by the wider State party membership.

Costs

11. The process *should not incur extra costs*. This means it should be held in the margins of the Meetings of States parties, when the Registrar will be available. If this also means it cannot be held in rooms in the United Nations building, then the meetings could alternate between offices of Missions to the United Nations. The United Kingdom would be happy to offer to host the first such meeting.

Size and composition of the group

12. The United Kingdom is open-minded as to the size of a scrutiny group but it should involve an equitable geographical representation.